



Department for
Business, Energy
& Industrial Strategy

OFFICIAL-SENSITIVE

New Approach Goods in a 'No-Deal' Scenario

February 2019



Department for
Business, Energy
& Industrial Strategy

Agenda

- Preparing for No Deal Exit
- Summarising the ‘New Approach’.
- The European Commission’s position.
- The UK’s position.
- Selling into the UK.
- Selling into the EU.
- Other issues to consider

Preparing for No Deal Exit

- Delivering the deal negotiated with the EU remains the Government's top priority.
- The Government is accelerating no deal preparations to ensure the country is prepared for every eventuality.
- Businesses and citizens should ensure they are similarly prepared.
- The Government has launched a public information campaign to ensure that UK citizens, businesses, EU citizens living in the UK and UK nationals living in the EU are well informed about how Brexit will affect them.
- We are also running workshops such as today's on a range of issues.

HMG Objectives for Regulations and Standards

- Ensuring safe and compliant products are placed on the UK market
- Recognise the need for clarity and changes to UK product safety laws are being kept to a minimum
- Market surveillance
 - No changes to market surveillance policy
- Ports and borders
 - Committed to ensuring a frictionless approach at all UK ports and borders

Harmonised goods - Old Approach vs New Approach



‘Old Approach’: goods such as cars, medicines, chemicals and aerospace, with standalone models of regulation



‘New Approach’: a common toolkit of regulatory measures covering goods such as toys and machinery



‘Non-harmonised goods’: subject to national rather than EU-wide product rules

How does the 'New Approach' work now?



High-level requirements in legislation and use of harmonised standards to achieve compliance



Conformity with requirements of 'New Approach' legislation shown by use of the CE marking



In most cases manufacturers take sole legal responsibility for compliance and can self-declare



In other cases manufacturers need to use a third party assessment body (a 'notified body')

The European Commission's position

-  UK will be treated as a third country for regulatory purposes from exit day
-  UK compliance activity against EU regulations will no longer be recognised
-  Individual items already on the EU-27 market will be unaffected

The UK's position



UK will adopt a time-limited continuity approach to minimise disruption



Almost all products meeting EU regulations can still circulate in the UK



At the same time, equivalent UK regulatory frameworks are being established



Some goods with EU product approvals will be subject to light-touch additional requirements

Selling into the UK: UK marking and approved bodies



New approach goods meeting EU regulations can still be sold in the UK with a CE marking



UK will directly recognise conformity assessment carried out by EU notified bodies



Products assessed against UK rules by a UK 'approved body' will need the UKCA marking



We will consult with businesses before making any changes to these arrangements

Selling into the EU: CE marking and notified bodies



Conformity assessments by UK notified bodies will no longer be recognised in the EU



Goods assessed by a UK body cannot be sold in the EU without reassessment by an EU body



As an alternative, manufacturers can transfer their files to an EU-recognised body pre-exit



CE marking needs to be used for goods sold into the EU. Self-declaration unaffected

Other issues to consider



UK-based 'authorised representatives' will not be recognised in the EU



An EU-based distributor of UK goods may become an 'importer' - and vice-versa



Compared to a distributor, importers have a stronger duty to ensure products are compliant



The importer's address also often has to be put on the product or its packaging



Proof of 'placing on the market' can be a contract of sale, invoice, shipping or a distribution document for goods already manufactured.

Further advice and guidance on action to take

Source of material in this section

Trading goods regulated under the 'New Approach' if there's no Brexit deal - Available [here](#)

Using the UKCA marking - Available [here](#)

Products placed on the Market - EU definitions and examples [here](#)

Additional information beyond this presentation

There may be other issues not addressed in this material

In some areas, policy content is still being developed

Please visit [gov.uk/euexit](https://www.gov.uk/euexit) for the latest information